

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KNIGHTSCOPE, INC.,

Plaintiff,

v.

CAPYBARA RESEARCH, IGOR
APPELBOOM, and ACCRETIVE
CAPITAL LLC d/b/a BENZINGA,

Defendants.

Civil Action No. 1:23-cv-11050-DLC

[PROPOSED] DEFAULT JUDGMENT

This matter comes before the Court by motion filed by Plaintiff Knightscope, Inc. (“Plaintiff”) for the entry of final judgment and permanent injunction by default against Defaulting Defendant Accretive Capital d/b/a Benzinga (“Defaulting Defendant”). This Court, having considered Plaintiff’s Motion for Default Judgment, the Declaration of Waleed Amer in Support of Plaintiff’s Motion for Default Judgment, the Affidavit of William Li in Support of Plaintiff’s Motion for Default Judgment, Plaintiff’s Complaint, a Certificate of Service executed on December 29, 2023, and a Certificate of Default of the Clerk of the Court stating that no answer has been filed by Defaulting Defendant in the instant action, and upon all other pleadings and papers on file in this action, it is hereby **ORDERED, ADJUDGED AND DECREED** as follows:

I. Defaulting Defendant’s Liability

On December 20, 2023, Plaintiff Knightscope, Inc. commenced this action against the Defaulting Defendant with the filing of Plaintiff’s Complaint (ECF 1). A certificate of service showing timely service upon the Defaulting Defendant was filed on the docket on December 29, 2023 (ECF 8).

On January 29, 2024, Ruby J. Krajik, the Clerk of the Court for the Southern District of New York, issued a Certificate of Default against the Defaulting Defendant Benzinga (ECF 19). No claims or answers have been filed or made in this action by the Defaulting Defendant, and the requisite time period to file an answer expired on January 19, 2024. As such, it is hereby

ORDERED, ADJUDGED AND DECREED that pursuant to Fed. R. Civ. P. 55(b)(2), judgment is hereby granted in favor of Plaintiff on all claims properly pled against Defaulting Defendant Benzinga in the Complaint.

II. Equitable Relief Awarded

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Court has found that Plaintiff has sufficiently pled its claims and sufficiently set forth the basis for which injunctive relief should be awarded in its Complaint and Motion for Default Judgment. Defaulting Defendant, and all persons acting in concert with, under the direction of, or individually in support of Defaulting Defendant (regardless of whether located in the United States or abroad) who receives actual notice of this Order are hereby:

- a. permanently enjoined and restrained from the authoring and/or publishing of media referencing the articles authored and published by Defaulting Defendant titled *Watching Knightscope; Capybara Research Releases Short Report On Co Titled “Knightscope - From A RoboCop Inspired Fairytale To An Inevitable Dilution Dilemma \$0.5 Target”* and *Knightscope Shares Tumble on Short Report: The Details* (the “Benzinga Articles”), except for a written, public retraction of the Benzinga Articles; and
- b. directed to publicly retract in writing and/or remove any reference to the Benzinga Articles from its website and/or social media accounts.

III. Miscellaneous Relief

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that any failure to comply with the terms of this Order by Defaulting Defendant, or by any persons acting in concert with, under the direction of, or individually in support of Defaulting Defendant who receives actual notice of this Order, shall be deemed contempt of Court and subject to contempt remedies to be determined by the Court. The Court shall retain jurisdiction over this matter and the parties in order to construe and enforce this Order.

SO ORDERED.

SIGNED this _____ day of _____, 2024.

Hon. Denise L. Cote
United States District Judge